

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the claims based on the following remarks. Claims 1-4, 6, 10-12, 14, 27-29, 31-34, 36-42, 44-48, and 50 are allowed.

Claims 15-20 and 23-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hamilton et al. U.S. Patent No. 6,562,192 ("Hamilton '192"). However, Hamilton '192 does not disclose all the limitations of Applicant's claim 15.

Claim 15 claims:

A method for treating menses comprising the steps of:  
forming a tampon including a nonwoven web material;  
dispersing at least one treatment chemistry selected from the group consisting of water-soluble gelling agents which crosslink protein, thickening agents, plasma precipitators and combinations thereof intermingled with the poly olefin or pulp fibers forming said nonwoven web material; and  
contacting said at least one treatment chemistry with said menses.

Hamilton '192 discloses free flowing fibrous nit particles useful in absorbent articles. (Abstract.) The nits can be combined with other agents in a pouch of an absorbent article to further increase the absorbent capacity of the pouch or to control the fluid handling performance or macroscopic mechanical or rheological properties of the contents of the pouch. (Col. 24; Il. 26-30.) Alternatively, the free flowing particles remain free flowing but are restrained by the surrounding materials without the need for the pouch structure. (Col. 33; Il. 44-49.)

FIGS. 4A and 4B show the absorbent article disclosed by Hamilton '192:

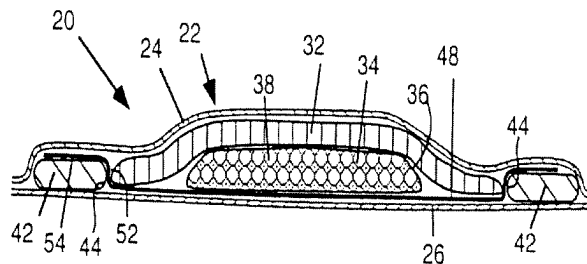


FIG. 4A

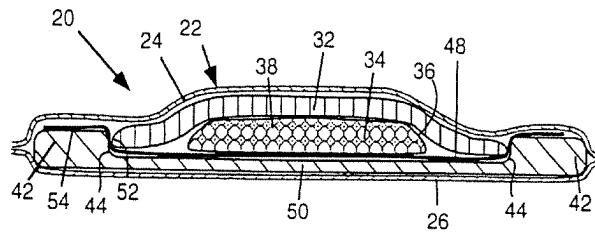


FIG. 4B

Accordingly, Hamilton '192 discloses loose particles contained within a chamber of the absorbent article that are separate from the surrounding materials and remain free flowing.

Applicant, meanwhile, claims, in part, **a treatment chemistry intermingled with the polyolefin or pulp fibers forming said nonwoven web material**. Thus, **the treatment chemistry is intermingled with the polyolefin or pulp fibers forming the nonwoven web not contained in a separate compartment or pouch**. Further, intermingling the treatment chemistry with the polyolefin or pulp fibers forming the nonwoven web provides several benefits. First, production costs are lowered because one can create the nonwoven web with the treatment chemistry intermingled without the need for creating a separate area, chamber or pouch to hold the treatment chemistry as must be done for the nits disclosed by Hamilton '192. This saves on both labor and materials. Second, production time is decreased due to avoiding the time necessary to separate the treatment chemistry and form a separate compartment as disclosed by Hamilton '192.

As explained above, Hamilton '192 does not anticipate claim 15. Respectfully, the rejection should be withdrawn and the claim allowed.

The Office Action also rejected various dependent claims in view of Hamilton '192. Although such claims patentably define over the cited references for at least the reasons set forth above, Applicant also notes that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

For instance, Hamilton '192 does not disclose the limitation of claim 20 wherein the treatment chemistry is disposed non-homogenously within the nonwoven web material. The Office Action cites Hamilton '192, Col. 30; ll. 55-57 as providing this

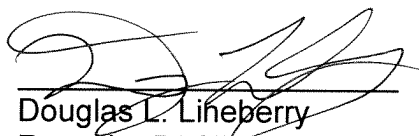
limitation. (10/28/08 Office Action, Page 3.) However, Col. 30: ll. 55-57 explains that free flowing particles can be incorporated into one or more pouches wherein the contents of the pouch may be distinct types of particles, mixed or in a gradient form. Accordingly, Hamilton '192 does not disclose the element of a treatment chemistry being disposed non-homogenously within the nonwoven web material – instead it discloses that the contents of pouches that are separate from the nonwoven material may be non-homogenous. Accordingly, Hamilton '192 does not anticipate dependent claim 20 and the rejection should be withdrawn and the claim allowed.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Anderson is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

01/28/09  
Date

  
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